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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eric C. Humphries, et al. Docket: 102491-100
Examiner: San Martin, Edgardo Art Unit: 2837
Serial No.: 10/777,442 Filed: February 12, 2004
Assignee: CYRO Industries

Title: PANEL ASSEMBLY FOR TRAFFIC NOISE BARRIER WALL

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. ☒ Applicant submits herewith a copy of (a) attached form PTO-1449, which lists all patents, publications, applications, or other information submitted for consideration by the Office; (b) a legible copy of each document required by 37 C.F.R. §1.98(b)(2).
2. ☐ Applicant herein apprises the Patent Office of prior art in a parent U.S. application from which this application obtains the benefit of an earlier filing date under 35 U.S.C. §120. The publications cited therein are listed on attached Form PTO-1449. In accordance with 37 C.F.R. §1.98(d) copies of the listed publications are not required.
☐ Additional parent patent applications are listed on an attached sheet.
3. ☐ In accordance with 37 C.F.R. §1.98(a)(3), Applicant hereby certifies that for each reference not in English (check at least one box below):
☐ A copy of a translation of on or more non-English document, or portion thereof, is provided herewith;
☐ A concise explanation is (check at least one box below):
☐ provided in the accompanying foreign or international search report; ☐ incorporated into the specification; and/or ☐ provided herewith.

37 C.F.R. §1.97(b)(1), (b)(2) - WITHIN 3 MONTHS OF FILING OR ENTRY IN NATIONAL STAGE

4. ☐ Since this Information Disclosure Statement is being filed within three months of the filing date of the subject application or within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application, no fee or certification under 37 C.F.R. §1.97(e) is required.

37 C.F.R. §1.97(b)(3), (b)(4) - PRIOR TO MAILING OF FIRST OFFICE ACTION OR FIRST ACTION AFTER REQUEST FOR CONTINUED EXAMINATION

5. ☒ Since this Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114, no fee or certification under 37 C.F.R. §1.97(e) is required.

37 C.F.R. §1.97(c) - AFTER FIRST ACTION, BEFORE FINAL ACTION OR ALLOWANCE

6. ☐ Since this Information Disclosure Statement is being filed outside of the period provided for in 37 C.F.R. §1.97(b), but before the mailing date of a Final Rejection or Notice of Allowance, this submission is being accompanied by **(one of the following boxes must be checked)**:
- a. ☐ the fee required under 37 C.F.R. §1.97(c)(2) and specified in 37 C.F.R. §1.17(p).
- b. ☐ the statement specified in 37 C.F.R. §1.97(e) **(Box 8 or 9 must be checked)**.

37 C.F.R. §1.97(d) - AFTER FINAL REJECTION OR ALLOWANCE

7. ☐ Since this Information Disclosure Statement is being filed after the period specified in 37 C.F.R. §1.97(c), but on or before payment of this issue fee and is accompanied by both the statement specified in 37 C.F.R. §1.97(e) and the fee set forth in 37 C.F.R. §1.17(p). **(Box 8 or 9 must be checked)**.
8. ☐ In accordance with 37 C.F.R. §1.97(e)(1), Applicant's attorney certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. ☐ The foreign or international search report(s) is/are enclosed.
9. ☐ In accordance with 37 C.F.R. §1.97(e)(2), Applicant's attorney certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification

after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of the information disclosure statement.

10. ☒ In the event the Commissioner of Patents deems that any additional fee is required under 37 C.F.R. §§ 1.16 or 1.17 in connection with this application, Applicant's attorneys authorize that such fee be charged to Deposit Account No. 23-1665.


The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as a representation that no better art exists or that a thorough patentability search has been made.

The undersigned further represents that the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Consideration of this Information Disclosure Statement is respectfully requested.

Respectfully submitted,
Eric C. Humphries, et al.

Date: October 27, 2005
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Elizabeth A. Galletta
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Eric C. Humphries, et al.	Docket:	102491-100
Serial No.:	10/777,442	Art Unit:	2837
Filed:	February 12, 2004	Examiner:	San Martin, Edgardo
Assignee:	CYRO Industries	Customer No.	27267
Title:	PANEL ASSEMBLY FOR TRAFFIC NOISE BARRIER WALL		

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In keeping with the duty of candor and good faith owed to the Patent and Trademark Office, Applicant wishes to make of record the items on attached PTO Form 1449 which the Applicant is aware of. Copies of all references are provided herein.

CERTIFICATION UNDER 37 CFR §1.8(a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 27, 2005

Signed: _____

Elizabeth A. Galletta
Elizabeth A. Galletta

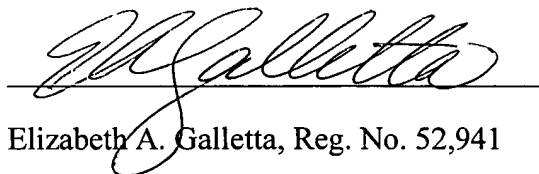
1. U.S. Patent No. 5,052,850 to Bishop, issued 10/01/91.
2. U.S. Patent No. 5,208,585 to Sprague, issued 05/04/93.
3. U.S. Patent No. 5,678,950 to Junker, issued 10/21/97.
4. U.S. Patent No. 6,328,284 to Wilding, issued 12/11/01.
5. U.S. Patent No. 6,412,230 to Zambelli, et al., issued 07/02/02.
6. U.S. Patent No. 6,533,250 to Arthur, issued 03/18/03.
7. U.S. Patent No. 6,551,011 to Valentine, issued 04/22/03.
8. U.S. Patent No. 4,214,411 to Pickett, issued 07/29/80.
9. U.S. Patent No. 4,306,631 to Reusser, issued 12/22/81.
10. U.S. Patent No. 5,942,736 to Cortonesi, issued 08/24/99.
11. U.S. Patent No. 5,965,852 to Roschke, issued 10/12/99.
12. U.S. Patent No. 5,015,119 to Schmanski, issued 05/14/91.
13. U.S. Patent No. 6,609,591 to Wisniewski, issued 08/26/03.
14. U.S. Patent Application Publication No. 2003/0019170 to Donnelly, published 01/30/03.
15. U.S. Patent Application Publication No. 2001/0014254 to Albritton, published 08/16/01.
16. U.S. Patent Application Publication No. 2002/0127056 to Muller, et al., published 09/12/02.
17. U.S. Patent Application Publication No. 2003/0057410 to Denman, et al., published 03/27/03.
18. U.S. Patent Application Publication No. 2003/0077120 to Jonsson, et al., published 04/24/03.

19. *"Safety-Run-Off-Road Hardware Longitudinal Barriers,"* U.S. Department of Transportation Federal Highway Administration website (<http://safety.fhwa.dot.gov/fourthlevel/hardware/longbarriers.htm>), Sept. 19, 2003.
20. *"Safety-Run-Off-Road Hardware Bridge Railings,"* U.S. Department of Transportation Federal Highway Administration website (<http://safety.fhwa.dot.gov/fourthlevel/hardware/bridgerailings.htm>), Sept. 19, 2003.
21. E. Keller et al., *"Guidelines for Attachments to Bridge Rails and Median Barriers"* MwRSF Research Report No. TRP-03-98-03, Midwest State's Regional Pooled Fund Research Program, Fiscal Year 1998-1999 (year 9), Research Project Number SPR-3 (017), Pool Fund Number RPFP-99-06, Feb. 26, 2003.
22. NCHRP Report 350, H.E. Ross et al., *"Recommended Procedures for the Safety Performance Evaluation of Highway Features,"* National Cooperative Highway Research Program, National Academy Press, Washington, D.C. 1993 (with appendices).
23. Paraglas Soundstop acrylic sheet, © 2002 CYRO Industries.
24. Projekt Ratingen BRD, Paraglas LS 15 mm (2 pages, not dated).

The undersigned represents that the closest art of which he is presently aware has been cited herein and understands that this statement shall not be construed as representation that no better art exists or that a thorough patentability search has been made.

Respectfully submitted,
Eric C. Humphries, et al.

Date: October 27, 2005

A handwritten signature in cursive script, appearing to read "E. Galletta", is written over a horizontal line.

Elizabeth A. Galletta, Reg. No. 52,941

CONTACT INFORMATION:

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FORM PTO-1449 INFORMATION DISCLOSURE		ATTY DOCKET NO. 102491-100		SERIAL NO.: 10/777,442		
		APPLICANT: ERIC C. HUMPHRIES, ET AL				
		FILING DATE: February 12, 2004		GROUP:		
U.S. PATENTS						
Initials	Patent Number	Issue Date	Name	Class	Sub-class	Filing date
	5,052,850	10/01/91	Bishop	404	6	07/17/90
	5,208,585	05/04/93	Sprague	340	908.1	01/21/92
	5,678,950	10/21/97	Junker	404	10	03/08/94
	6,328,284	12/11/01	Wilding	256	13.1	02/18/99
	6,412,230	07/02/02	Zambelli et al.	52	27	08/24/00
	6,533,250	03/18/03	Arthur	256	13.1	08/20/01
	6,551,011	04/22/03	Valentine	404	6	11/22/00
	Publication No. US 2001/0014254 A1	Pub. Date 08/16/01	Albritton	404	6	04/09/01
	Publication No. US 2002/0127056 A1	Pub. Date 09/12/02	Muller et al.	404	6	03/11/02
	Publication No. US 2003/0057410 A1	Pub. Date 03/27/03	Denman et al.	256	13.1	04/17/02
	Publication No. US 2003/0077120 A1	Pub. Date 04/24/03	Jonsson et al.	404	6	04/24/03
FOREIGN PATENT DOCUMENTS						
Initials	Document Number	Date	Country	Name	Translation? Yes/No/n/a	
OTHER DOCUMENTS (Title, Author, Date, Pages, Etc., if known)						
	"Safety-Run-Off-Road Hardware Longitudinal Barriers," U.S. Department of Transportation Federal Highway Administration website (http://safety.fhwa.dot.gov/fourthlevel/hardware/longbarriers.htm), Sept. 19, 2003 (1 page)					
	"Safety-Run-Off-Road Hardware Bridge Railings," U.S. Department of Transportation Federal Highway Administration website (http://safety.fhwa.dot.gov/fourthlevel/hardware/bridgerailings.htm), Sept. 19, 2003 (1 page)					
	E. Keller et al., "Guidelines for Attachments to Bridge Rails and Median Barriers" MwRSF Research Report No. TRP-03-98-03, Midwest State's Regional Pooled Fund Research Program, Fiscal Year 1998-1999 (year 9), Research Project Number SPR-3 (017), Pool Fund Number RFPF-99-06, Feb. 26, 2003 (66 pp.)					
	NCHRP Report 350, H.E. Ross et al., "Recommended Procedures for the Safety Performance Evaluation of Highway Features," National Cooperative Highway Research Program, National Academy Press, Washington, D.C. 1993 (with appendices)					
Examiner's Signature:				Date Considered:		
Initial if reference was considered, whether or not citation is in conformance with MPEP. Mark through citation if not considered. Include a copy of this citation form with your next correspondence to the Applicant(s).						

FORM PTO-1449 INFORMATION DISCLOSURE			ATTY DOCKET NO. 102491-100		SERIAL NO.: 10/777,442	
			APPLICANT: ERIC C. HUMPHRIES, ET AL			
			FILING DATE: February 12, 2004		GROUP:	
U.S. PATENTS						
Initials	Patent Number	Issue Date	Name	Class	Sub-class	Filing date
	4,214,411	07/29/80	Pickett	52	144	01/16/78
	4,306,631	12/22/81	Reusser	181	210	11/12/80
	5,942,736	08/24/99	Cortonesi	181	289	07/02/98
	5,965,852	10/12/99	Roschke	181	210	05/14/98
	5,015,119	05/14/91	Schmanski	404	12	09/11/89
	6,609,591 B2	08/26/03	Wisniewski	181	285	05/28/02
	2003/0019170 A1	01/30/03	Donnelly	52	144	07/27/01
FOREIGN PATENT DOCUMENTS						
Initials	Document Number	Date	Country	Name	Translation? Yes/No/n/a	
OTHER DOCUMENTS (Title, Author, Date, Pages, Etc., if known)						
	Paraglas Soundstop acrylic sheet, © 2002 CYRO Industries					
	Projekt Ratingen BRD, Paraglas LS 15 mm (2 pages, not dated).					
Examiner's Signature:				Date Considered:		
Initial if reference was considered, whether or not citation is in conformance with MPEP. Mark through citation if not considered. Include a copy of this citation form with your next correspondence to the Applicant(s).						